

REMARKS:Status

After this response, claims 25, 27 to 29, 31, 32, 34 to 36, and 38 are pending. Claims 25 and 32 have been amended, and claims 26, 30, 33, and 37 have been cancelled. Claims 25 and 32 are the independent claims. Reconsideration and further examination are respectfully requested.

Specification

The Office Action noted that “data pointer 114” on page 2 should read “data pointer.” Applicant has amended the specification accordingly.

The Office Action indicated that “data pointer 114” at various locations on pages 3, 5, 6, and 8 should be “pointer set 114,” stating that it includes a pointer to the data zones and a pointer to the zone checksum array. As used in the application, the data pointer 114 includes “an address for the data, a description of the data and an address for the checksum array 115.” Application, page 5, lines 20 and 21.

The data pointer is handled as a single element even though it includes multiple addresses. Thus, the conventional meanings of neither “pointer” nor “pointer set” are completely precise. This is simply a reflection of the limitation of language when dealing with inventions. Such limitation of language is a reason why applicants are permitted to be their own lexicographers. See MPEP § 706.03(d). While Applicant’s usage of the term “pointer” as including plural addresses is not common, it is also not contrary to its normal meaning. Accordingly, Applicant has not amended this terminology, and withdrawal of the objection is respectfully requested.

The Office Action also stated that “[t]here is no mention of the partial zone checksum 119b (Fig. 3) in the disclosure, or of calculating the partial zone checksums, or of combining partial zone checksums and zone checksums.” However, Applicant added a description of these elements to page 7 of the specification in a preliminary amendment. This addition did not constitute new matter, at least because the claims (esp. claim 3) of the original parent application recited these elements. Accordingly, withdrawal of this objection is respectfully requested.

Claim Objection

Applicant has amended claim 25 to address the objection thereto in the Office Action.

Section 112 Claim Rejections

Claims 25 to 38 were rejected under 35 USC § 112, ¶ 2, for alleged indefiniteness.

Each of the rejections under this section is discussed below:

Claim 25: The Office Action indicated that the step of “calculating” should follow any steps of “transferring,” apparently based on an order that the steps are discussed and shown with respect to Figure 4. However, nothing in that discussion or figure indicates that the order of the steps is fixed. In addition, the listing of steps in a claim in a particular order does not necessitate that those steps be performed in that order. See *Loral Fairchild Corp. v. Sony Corp.*, 181 F.3d 1313, 1322, 50 USPQ2d 1865, 1870 (Fed. Cir. 1999) (stating that “not every process claim is limited to the performance of its steps in the order written”). Withdrawal of this rejection is therefore respectfully requested.

The Office Action also indicated that “one or more pointers to said chunk checksum values” should be “a pointer to said zone checksum values.” Applicant has amended claim 25 accordingly.

Claim 26 and 30: These claims have been cancelled, rendering the rejections thereof moot.

Claim 31: The Office Action indicated that “transferring pointer *from* a NIC apparently is not supported by the disclosure.” However, page 4, lines 22 and 23, recites data transmission devices that include a network interface card. Accordingly, Applicant submits that transferring (e.g., transmitting) pointers from a NIC (network interface card) is supported.

Claim 32: The Office Action stated that storing zone checksum values and chunk checksum values together in a memory was apparently not supported in the disclosure. However, the mere fact of calculating these checksum values in a data transmission device that includes a memory clearly implies storing those checksum values – this is inherent in any computing device. Likewise, the disclosure inherently teaches storing the discussed pointers and data and zone checksums.

Applicant has amended claim 32 to remove the recitations of more than one pointer to the data and a pointer to chunk checksums, thereby rendering the rejections based on these recitations moot.

Claims 33 and 37: These claims have been cancelled, rendering the rejections thereof moot.

Conclusion: In view of the foregoing, reconsideration and withdrawal are respectfully requested of the § 112, ¶ 2, rejections.

Double Patenting Rejection

All pending claims were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1 to 21 of U.S. Patent No. 6,637,007. In response, Applicants' representative is filing herewith a Terminal Disclaimer over U.S. Patent No. 6,637,007, which is commonly owned with this application. Accordingly, withdrawal of the double patenting rejection is respectfully requested.

Closing

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached at (614) 205-3241. All correspondence should continue to be directed to the address indicated below.

Respectfully submitted,



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Dated: September 28, 2005

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